



Comptroller General
of the United States

Washington, D.C. 20548

153544

Decision

Matter of: Dennis Stafford - Official Travel - Privately Owned Vehicle Breakdown

File: B-256331

Date: February 1, 1995

DIGEST

An employee who was authorized to use his privately-owned vehicle, as being advantageous to the government, to travel to and from a temporary duty (TDY) station claims an extra day of per diem and additional mileage allowance due to his delayed departure from the TDY station when his car broke down, and for his spouse's drive to the TDY station to return him home and later to return to the TDY station to retrieve his vehicle. It is within the agency's discretion to approve additional per diem and transportation allowances in such circumstances, if the agency determines that the employee acted reasonably, and to the extent the additional expenses are determined reasonable.

DECISION

An Authorized Certifying Officer for the Department of Agriculture¹ has requested a decision whether Mr. Dennis Stafford's claims may be paid for certain expenses incurred as a result of his automobile breaking down while he was returning from a temporary duty (TDY) assignment.

BACKGROUND

Mr. Stafford's employing agency, the Farmers Home Administration, authorized Mr. Stafford to use his privately-owned vehicle (POV), as advantageous to the government, to travel from his residence in Chanute, Kansas, to perform temporary duty at Topeka, Kansas, and to return to Chanute. The distance between Chanute and Topeka is stated to be about 109 miles. As Mr. Stafford began the return trip, he experienced mechanical difficulties with his POV and made arrangements to have it repaired in Topeka. As a result, Mr. Stafford incurred expenses for staying 1 extra day in Topeka.

The following day, without seeking any guidance from his office, Mr. Stafford had his spouse drive a second POV from Chanute to Topeka to pick him up and take him home.

¹National Finance Center, New Orleans.

Several days later, after his regular working hours, he and his spouse drove back to Topeka to pick up the POV he had left for repairs, and then they drove both POV's home to Chanute.

According to the agency, bus transportation from Topeka would have been impractical and inconvenient. However, the agency states "arrangements possibly could have been made" for Mr. Stafford to return to Topeka to pick up his vehicle during working hours.

In addition to the per diem authorized for the TDY assignment in Topeka and the mileage allowance payable for one round trip between Chanute and Topeka, the agency asks whether it may pay Mr. Stafford's claims for per diem for the extra day in Topeka and mileage for the two round trips made to return him home initially and to return to Topeka to retrieve his POV after it was repaired. The agency also asks whether this was a situation for which a rental car could have been authorized.

OPINION

Where an employee's use of his POV for travel on official business has been determined by the agency as advantageous to the government, a delay resulting from the breakdown of the POV while it is being used for official travel may be considered incident to the official travel. 42 Comp. Gen. 436 (1963). An employee so delayed may continue to be authorized the benefits generally available to employees on a temporary duty assignment (including per diem), provided the delay is reasonable and the traveler acts in accordance with agency instructions or his actions are administratively approved subsequently.² 42 Comp. Gen. 436 supra.³

As to the incurrence of extra transportation expenses due to breakdown of a POV, we have approved payment on a claim for additional expenses incurred by an employee in returning home by train and bus after his POV broke down and later returning by train and bus to retrieve it after it was repaired. Harry Kushner, B-186829, Jan. 27, 1977. In that case, the use of the vehicle had been determined to be advantageous to the government; the traveler's actions were deemed reasonable in returning to his residence, rather than incurring additional per diem expenses; and his actions were approved administratively, although after the fact.

Under the decisions discussed above, therefore, an agency may allow payment of additional per diem and reimbursement of transportation expenses incurred due to the

²An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. See Federal Travel Regulations (FTR), 41 C.F.R. § 301-1.3(a) (1993).

³See also, Thomas S. Swan, Jr., 64 Comp. Gen. 173 (1984), applying this rule to a delay caused by a POV breakdown during travel to a new official station.

breakdown of an employee's POV approved for use on temporary duty travel as advantageous to the government, provided the traveler's actions were reasonable and authorized or approved by the agency.

As to whether a rental car could have been authorized for use in Mr. Stafford's circumstances, the Federal Trade Regulation (FTR), 41 C.F.R. § 301-3.2(a), provides that the hire of an automobile will be allowed if authorized or approved as advantageous to the government. However, FTR § 302-2.1(d), provides that common carrier (air, rail or bus) shall be used whenever it is reasonably available, and other methods may be authorized as advantageous to the government only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The regulation further provides that the determination that another method would be more advantageous than common carrier shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

In this case, the agency states that bus service was available but return travel by bus would have been impractical and inconvenient to the employee.⁴ Apparently, that was the basis on which the use of POV initially was authorized for Mr. Stafford's TDY, and it may be that the agency could have reached a similar conclusion concerning use of a rental car for Mr. Stafford to return to Chanute had Mr. Stafford sought guidance from the agency before incurring additional lodging or transportation expenses. These are factors for the agency to consider in making its determination whether, under the circumstances, Mr. Stafford acted reasonably, and in determining the extent of additional per diem and transportation allowances to approve. It is within the agency discretion to limit its approval of additional reimbursement to the expenses the agency would have authorized had Mr. Stafford sought advance approval.

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General Counsel

⁴Apparently, bus was the only common carrier transportation between Topeka and Chanute. The bus schedule the agency furnished shows buses leaving Topeka daily at 4:45 a.m. and 3:45 p.m., and arriving about 5-6 hours later in Chanute, at a one-way fare of \$19.